THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.21699 OF 2007

DATED: 11-10-2007

Between:

P. Bhaskara Rao

.. Petitioner

and

The District Collector-cum-Chairman, District Scheduled Castes Service Cooperative Society Ltd., Ananthapur and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.21699 OF 2007

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the 1st respondent in issuing the proceedings, dated 01.06.2007, in Rc.No.224/2004-E, as arbitrary, illegal and violative of Article 21 of the Constitution of India.

The impugned proceedings, dated 01.06.2007, were issued by the 1st respondent, while the petitioner was working as Senior Assistant with the 2nd respondent Society, stating that during the tenure of the petitioner as Camp Assistant to the 1st respondent, he misbehaved by consuming liquor and indulged in certain irregularities and as such he was placed under suspension.

The learned counsel for the petitioner states that the issuance of the impugned proceedings after three months of repatriation of the petitioner to his parent department, digging out some irregularities, is illegal. Apart from this, pending enquiry contemplated under the byelaws of the society, an employee cannot be kept under suspension for more than three months and the enquiry also should be completed within a period of three months. In this case, the enquiry has not been commenced till date and, therefore, the suspension order is arbitrary and illegal.

On the other hand, the learned counsel for the respondents, Sri Ganga Rao, states that placing an employee under suspension is only to enable the department to conduct a fair enquiry into the matter and no extraordinary grounds are made out for making interference into such an order of suspension pending enquiry.

I am of the opinion that no extraordinary grounds, such as, lack of jurisdiction or malice are made out to interfere with the impugned order of suspension and merely because there was some delay in conducting enquiry, this Court cannot interfere with the same.

In view of the above, without expressing any opinion on merits, the respondents are directed to complete the enquiry contemplated against the petitioner, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V.RAMULU, J

11th October, 2007
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